

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jianming Wu et al.

Serial No. 10/599,103

Filed: 09/19/2006

Examiner: Iqbal Zaidi

Art Unit: 2464

For: **ADAPTIVE SCHEDULING OF VOICE TRAFFIC IN A MULTI-CARRIER
COMMUNICATION ENVIRONMENT**

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicant submits Comments on the Statement of Reasons For Allowance that was included as part of the Notice of Allowance mailed December 19, 2011. If any fees are required in association with this paper, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

REMARKS

Applicant provides the following comments on the Statement of Reasons of Allowance discussed in the notice of allowance mailed December 19, 2011, for the present application. On page 2 of the Statement of Reasons for Allowance, the Examiner states that claims 1 and 14 “are allowed over the prior art of record since the cited references taken individually or in combination fails to particularly disclose **“pre-assigning select tones for each remaining user of the plurality of users that has not been permanently assigned tones for the transmit time interval; selecting a remaining user having least favorable channel conditions as an active user; and permanently assigning to the active user the select OFDM tones pre-assigned to the active user, wherein once the select tones are permanently assigned to the active user, the active user is no longer a remaining user.”** Emphasis in original.

However, the Examiner has misstated what claims 1 and 14 actually recite. Claims 1 and 14 do not recite that independent claims 1 and 14 recite “permanently assigning to the active user the select OFDM tones pre-assigned to the active user.” These claims only recite “permanently assigning to the active user the select tones pre-assigned to the active user” and NOT “the select **OFDM** tones”. See Amendment filed October 25, 2012. The term “OFDM tones” is first introduced in dependent claims 13 and 26. Claims 1 and 14 do not include the limitation of “select **OFDM** tones.” Thus, Applicant respectfully submits that claims 1 and 14 is allowed over the prior art of record based on the claims as they properly read (including the limitation “permanently assigning to the active user the select tones pre-assigned to the active user”) without the term “the select OFDM tones.”

Applicant concurrently submits the payment for the Issue Fee and Publication Fee and requests that the present application pass to issuance as quickly as possible.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

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Date: March 19, 2012

Attorney Docket: 7000-354-1A